

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FCA Construction Company, LLC,

Plaintiff,

v.

Robert Durchslag,

Defendant.

Civil No. 09-3700 (ADM/AJB)

ORDER

Based upon the Report and Recommendation by United States Chief Magistrate Judge Arthur J. Boylan dated September 11, 2012, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion to Sanction Defendant Robert Durchslag [Docket No. 87] is

GRANTED;

- a. Defendant's Answer [Docket Nos. 4 and 98] is **stricken**;
- b. Plaintiff shall submit affidavits regarding the amount of damages in support of an application for default judgment;
- c. The current trial date is stricken from the Court's calendar; and

2. Plaintiff's Motion for a Continuance [Docket No. 118] is **DENIED as moot**.

Dated: October 10, 2012

s/Ann D. Montgomery

JUDGE ANN D. MONTGOMERY
UNITED STATES DISTRICT COURT